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Re: Docket No. 2009-0048, Molokai Public Utilities, Inc. ("MPU") – General Rate Case

Dear Parties:

On April 6, 2009, the Commission issued its Protective Order, which approved without change the protective order proposed by the two entities that were the parties to the proceeding at the time, MPU and the Division of Consumer Advocacy. Subsequently, on October 16, 2009, the Commission: (1) granted intervention to the County of Maui, Stand for Water, and West Molokai Association, subject to certain conditions; and (2) on its own motion, named Molokai Properties Limited as a party to the proceeding.

Pursuant to the Commission's Procedural Order, filed on November 6, 2009, the deadline for the Parties to submit proposed amendments to the Protective Order was November 10, 2009.

By letter dated November 10, 2009, MPU, Molokai Properties Limited, the County of Maui, West Molokai Association, and the Division of Consumer Advocacy (collectively, the "Majority Parties"), request a two-day extension of time, from November 10, 2009 to November 12, 2009, for the Parties "to submit either (a) a proposed Amended Protective Order stipulated by all

parties or (b) a form of a proposed Amended Protective Order executed by some, but not all of the parties, with the non-agreeing parties having the right to submit their own version of such proposed Amended Protective Order."¹ In support of their request, the Majority Parties, through MPU, represent that "[d]ue to several changes requested by certain of the counsel for the parties, no agreement to the proposed Amended Protective Order has been reached yet[.]" and "[i]n an effort to try to reach agreement on the remaining terms, the parties respectfully request an extension of time until Thursday, November 12, 2009[.]"²

The Commission will treat the Majority Parties' request as a motion for extension of time ("Motion"), pursuant to Hawaii Administrative Rules ("HAR") §§ 6-61-23 and 6-61-41.³ Based on the Majority Parties' representations, the Commission finds good cause to grant the Motion and approve the request for a two-day extension of time, from November 10, 2009 to November 12, 2009, for the Parties to submit proposed amendments to the Commission's Protective Order. The Commission issues its ruling on the Majority Parties' Motion without awaiting a written response, if any, from Stand for Water.

Should you have any questions about this matter, please contact Michael Azama, Commission Counsel, at 586-2033.

Sincerely,



Carlito P. Caliboso
Chairman

CPC:MA:cp

¹MPU's letter, dated November 10, 2009, at 1. As represented by MPU, "counsel for the County of Maui, Molokai Properties Limited, the Division of Consumer Advocacy and the West Molokai Association have agreed to this extension request. No response was received from Stand for Water." Id.

²MPU's letter, dated November 10, 2009, at 1.

³Pursuant to: (1) HAR § 6-61-23(a)(1), the Commission for good cause shown may order a period enlarged if a written request is made before the expiration of the period originally prescribed; and (2) HAR § 6-61-41(e), motions that do not involve the final determination of a proceeding may be determined by the chairperson or commissioner.